

DECISION



32331
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-219629.3

DATE: September 24, 1985

MATTER OF: Steel Style, Inc.--Reconsideration

DIGEST:

1. GAO will not reconsider a decision where the protester admits that it failed to explain its position adequately in the initial protest, and tries to do so through a request for reconsideration.
2. Bidder's failure to insert the name of the manufacturer and the place of manufacture of offered supplies, required for purposes of government inspection and acceptance, does not render the bid nonresponsive, since the information is not needed to determine whether the bid meets the specifications.

Steel Style, Inc. (Steel), requests reconsideration of our decision in Steel Style, Inc., B-219629, Aug. 9, 1985, 85-2 C.P.D. ¶ _____, in which we dismissed its protest against a contract award to any of the three low bidders under invitation for bids (IFB) No. N62472-83-B-1470, issued by the Department of the Navy.

We affirm our decision.

By letter received in our Office on July 29, 1985, Steel protested that the three low bidders failed to complete section K of the IFB properly. Section K required a bidder to insert the name of the manufacturer of the requested supplies and the place where the supplies would be manufactured, for the purpose of government inspection and acceptance. Steel asserted that the bids of the three low bidders therefore should be rejected as nonresponsive, and that as the fourth low bidder it should receive the contract award.

Our review of the abstract of bids showed that Steel was the fifth, rather than the fourth, low bidder. Since the fourth low bidder would, therefore, be entitled to the contract award, we dismissed Steel's protest on the basis

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that Steel was not an interested party to have the matter considered on the merits. See 4 C.F.R. § 21.1(a) (1985); Central Air Service, Inc., B-218833.2, May 21, 1985, 85-1 C.P.D. ¶ 580. We also noted that our review of the record showed that the low bidder had completed section K properly.

In its request for reconsideration, Steel alleges that while it was in fact the fifth low bidder, the third low bidder did not submit a bid guarantee with its bid and that bid thus was nonresponsive. Steel asserts that in its initial protest it really was arguing that the bids of the first, second and fourth low bidders should be rejected as nonresponsive for failure to complete section K of the IFB. Thus, Steel now argues that all four lower bidders submitted nonresponsive bids, and requests that we consider its clarified protest.

In response to Steel's initial protest the Air Force did inform this Office that the third low bidder failed to submit a bid bond and that its bid was being rejected as nonresponsive. Steel's protest, however, stated only that that the bids submitted by the three low bidders should be rejected as nonresponsive for failure to fill out section K. Since Steel did not, in any other way, specify which three low bidders it was referring to, our Office had no way to determine that Steel was directing its protest toward the first, second and fourth low bidders. We read Steel's protest as involving exactly what the firm said it involved--the responsiveness of the three low bidders--and decided the protest on that basis.

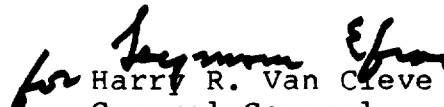
Under our Bid Protest Regulations, we will reconsider a decision where the party requesting us to do so demonstrates that our initial decision was based on an erroneous conclusion of law or failed to consider relevant information. 4 C.F.R. § 21.2(a). Information not previously considered refers to information that we overlooked or information that the protester did not have access to when the initial protest was filed. S.A.F.E. Export Corp.--Request for Reconsideration, B-215022.4, Sept. 17, 1984, 84-2 C.P.D. ¶ 298. Our Regulations do not provide for this Office to reconsider a decision because a protester failed to explain the basis of its protest adequately.

Steel also has attempted to dispute our advice that, in any case, it appeared that the low bidder correctly filled out section K of the IFB. Steel notes that the IFB requested bids on a barge and outboard power units, and

asserts that since section K required bidders to indicate the principal manufacturer and place of manufacture for supplies, bidders were required to indicate this information for both items. Steel points out that the low bidder only listed one manufacturer, and argues that because Steel does not know of any barge manufacturer that manufactures its own outboard power units, that bid must be rejected as nonresponsive.

Even if we agree with Steel as to what a firm should have entered in section K, a bidder's failure to complete the section properly would not require the Air Force to reject the bid as nonresponsive. Responsiveness involves whether a bid as submitted represents an unequivocal offer to provide the requested items and meet the specifications at a firm, fixed price. Epcon Industrial System, Inc., B-216725, Dec. 27, 1984, 85-1 C.P.D. ¶ 2. The completion of the clause in issue is not necessary to determine whether a bid meets the specifications and, therefore, does not affect the responsiveness of the bid. K.P.B. Industrial Products Inc., B-210445, May 24, 1983, 83-1 C.P.D. ¶ 561.

Our initial decision is affirmed.

for 
Harry R. Van Cleave
General Counsel